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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,919

02/27/2004

Geoffery H. Dreyer

435565-405

7488

7590

06/04/2007

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/788,919	<b>Applicant(s)</b> DREYER ET AL.	
	<b>Examiner</b> Daniel S. Felten	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Ex. Daniel Felten for Ex. James Alpert.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“may accept,” is indefinite because “may” can be interpreted as how accepting the offer is potentially possible rather than how the offer is accepted. It is recommended that —will—be used instead of “may”

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 3693

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadbent et al (US 6,985,886) in view of Creamer et al (US-PG Pub 2002/0138413)

As in claims 2- 5, Broadbent teaches a method comprising: pre-approving a customer for refinancing of a mortgage loan; sending an offer for said refinancing to said customer, said offer comprising materials setting forth the terms of said refinanced mortgage loan, materials providing all required pre-acceptance disclosures, and instructions describing how said customer may accept said offer; receiving an indication of acceptance of said offer from said customer (Broadbent abstract, col. 2 lines 3-19, col. 3 lines 55-67, col. 4 lines 1-25, col. 8 lines 35-67, col. 9 lines, col. 10 lines 51-67, col. 11 lines 1-5, col. 11 15-38, col. 12 lines 21-67, col. 13 lines. 1-67).

Broadbent does not specifically teach sending a closing package to said customer to be executed by said customer, said execution by said customer creating a refinancing loan agreement. Creamer does make this teaching (Creamer. para.s 55-76). It would have been obvious to one skilled in the art to combine this teaching of Creamer with those of Broadbent because doing so, as suggested by Creamer, allows for the disbursement of funds (Creamer para. 67)

Art Unit: 3693

Claims 6, 10, 14, includes the acts of a notary (Broadbent abstract, col. 2 lines 3-19, col. 3 lines 55-67, col. 4 lines 1-25, col. 8 lines 35-67, col. 9 lines, col. 10 lines 51-67, col. 11 lines 1-5, col. 11 15-38, col. 12 lines 21-67, col. 13 lines. 1-67).

Claims 7, 11, selecting a customer from a group of customers who have existing mortgage loan applying filters to a customer database to generate a target group of customers (Broadbent abstract, col. 2 lines 3-19, col. 3 lines 55-67, col. 4 lines 1-25, col. 8 lines 35-67, col. 9 lines, col. 10 lines 51-67, col. 11 lines 1-5, col. 11 15-38, col. 12 lines 21-67, col. 13 lines. 1-67).

Claims 8, 12, 16, (Broadbent abstract, col. 2 lines 3-19, col. 3 lines 55-67, col. 4 lines 1-25, col. 8 lines 35-67, col. 9 lines, col. 10 lines 51-67, col. 11 lines 1-5, col. 11 15-38, col. 12 lines 21-67, col. 13 lines. 1-67).

As in Claims 9, 13, 17 and 19, Broadbent teaches a method as in claim 2,, wherein said customer has a limited period of time to execute said closing package (Broadbent col. 14 lines 55-67, col. 15 lines 1-14, col. 22 lines 59-67, col. 23 lines 1-2).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten  
Examiner  
Art Unit 3693

DSF  
5/25/2007